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November 1, 2017

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

(Public Commentors)

RE: Solid Waste Disposal Facility Permit  
City of Dothan Sanitary Landfill  
Permit 35-06

Dear Sir or Madam:

The Alabama Department of Environmental Management (ADEM) has made a final determination to modify the Solid Waste Disposal Facility Permit for the City of Dothan Sanitary Landfill. The permit is effective November 1, 2017 and the permit expiration date will remain October 20, 2018.

A public comment period was announced by ADEM on May 22, 2017 and a public hearing was held on June 29, 2017. The permit application and draft permit were available to the public at the Alabama Department of Environmental Management. All comments were considered and the appropriate responses have been prepared.

Enclosed is a copy of the comments received and the Department's response to the comments. It has been determined that the permit application and the permit complies with the ADEM Administrative Code Division 13 regulations.

The permit issuance may be appealed as provided in §22-22-A-7 of the Code of Alabama 1975. The procedures for hearing appeals are outlined in the ADEM Administrative Code 335-2-1, "Rules of Procedures for Hearing Appeals of Administrative Actions of the Alabama Department of Environmental Management."

On behalf of the Alabama Department of Environmental Management, we thank you for your participation in the permitting process.

Sincerely,

S. Scott Story, Chief  
Solid Waste Engineering Section  
Land Division

SSS/jk

Birmingham Branch  
110 Vulcan Road  
Birmingham, AL 35209-4702  
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**RESPONSE TO COMMENTS  
CITY OF DOTHAN LANDFILL PERMIT MODIFICATION  
PERMIT NO. 35-06**

**COMMENTS CONCERNING ODORS AND DISEASE VECTORS**

- The smell at times is horrible.
- We have coyotes that come through the property all the time.
- We have an extremely large number of buzzards that land on the fence, land on the property and fly in the trees.

**RESPONSE TO COMMENTS**

Odor and disease vector issues that may result from landfill operations are controlled, in part, by meeting the daily cover requirements as set forth in ADEM Admin. Code r. 335-13-4-.22 and Section III.H. of the proposed permit. ADEM Admin. Code r. 335-13-4-.22(1)(a)1 requires a minimum of six inches of compacted earth or other approved alternative cover material, that may include but is not limited to foams, geosynthetics or waste products, shall be added at the conclusion of each day's operation or as otherwise approved by the Department to control disease vectors, fires, odors, blowing litter and scavenging. Section III.H. of the proposed permit addresses the daily cover requirements at the City of Dothan Landfill. This section specifies that the facility is approved for the use of earthen cover to be applied at the conclusion of each day's activities. At this time, the City of Dothan Landfill has not applied for and is not approved to use alternate daily cover at this site.

An additional measure to minimize odor and disease vector issues from the landfill is the permit requirement, as specified by ADEM Admin. Code r.335-13-4-.13(f), for a 100 foot buffer from the edge of the waste at the active disposal area to the facility boundary. This State requirement, which is not required under the federal RCRA Subtitle D regulations, is an additional control measure currently in place at the facility.

The Department conducts at least quarterly Solid Waste inspections of the landfill to ensure compliance with the terms and conditions of the permit. During these compliance inspections, the inspector also checks for the presence of unusual odor at the landfill. To date, the ADEM inspectors have not noted any odors at the Dothan Sanitary Landfill uncommon to typical Subtitle D landfills. The Department will continue to inspect the landfill to verify that permit conditions are being met. In the event that non-compliance issues are noted in the future, the Department will address them as necessary with the appropriate level of enforcement. Any complaint received in regard to issues at the landfill will be investigated and handled accordingly.

**COMMENTS CONCERNING ENVIRONMENTAL JUSTICE AND CIVIL RIGHTS**

- That's more like about 93 percent of that particular neighborhood, African-American neighborhood. Why has it been put on our side of town?
- "There ain't nothing but a bunch of ignorant three- letter word for back end and that N word to describe African-Americans that live out there". Current commissioner -- a current commissioner said these words to me in a local restaurant.
- My great-grandkids, because I've got several who are mixed, which I do believe qualify under Title VI.
- Well, to my amaze, they really didn't show any interest because 90 percent of the minorities -- and that's blacks -- live near the city dump, that water treatment place, and the air quality stinks.
- They don't seem to care about the people, especially the minorities, nobody on that side of town.
- It is affecting the health and the welfare of 98 percent of the minorities in this city.

- The land dump, the area of Webb Road, is predominantly black facing the Circle. Those are extremely nice homes. We're professional black people who live there, and for years they have lived with this odor and this poisoning of the water.
- Comments were received stating that the landfill was placed in a poor African American community and as a result is environmental injustice. Furthermore, by placing the landfill in this community, you were subjecting the community to groundwater contamination, dust, odors, noise and other impacts.

#### RESPONSE TO COMMENTS

The Department has determined that the proposed permit complies with all ADEM solid waste regulations which are consistent with EPA's RCRA Subtitle D regulations. The Subtitle D regulations were designed to control ground and surface water contamination, to control air pollution caused by landfill gas emissions, to control the attraction of rodents, flies, and other disease vectors, and to minimize odors. Compliance with the terms and conditions of the proposed permit is expected to be protective of human health and the environment. At this time, there is no basis to conclude that the Permittee will not comply with the terms and conditions of the proposed permit. Should the Permittee fail to comply with the permit, the Department is committed to vigorously enforcing the terms and conditions of the permit.

The allegations regarding the landfill being located in a predominately minority area are related to siting of the landfill. ADEM does not site landfills, the local host government does so. Pursuant to Ala. Code §§ 22-27-40 to 22-27-4, the local host government, the City of Dothan, sited this landfill. Accordingly, questions and concerns related to the siting of the landfill should be addressed with the local host government.

#### COMMENTS CONCERNING GROUNDWATER

- They have hot well tests... That's a well test that have (unintelligible) exceeded that. And when they have so many well tests, they take and cement up the well because they can't get a clean well test. They'll move a few feet over and get an engineering firm to say, Lets move over 20, 30, 40, 50 feet and see, build a new well. And then after a little while, that well is hot. The records in ADEM's office prove what I just said, but yet we are allowed to continue to have the festering of the community with this illicit landfill operation.
- The water here is very bad. It's damaged from that city dump. The underground rivers are gone. They're polluted. (Groundwater results do not indicate pollution.)
- Your tests, your data shows on your records that this (unintelligible) has built those landfill at right or near the footprint of those cells in or at the top of certain formations, aquifers.

#### RESPONSE TO COMMENTS

ADEM Admin. Code div. 13 and the federal RCRA Subtitle D regulations require that landfills accepting municipal solid waste have a composite liner system. The composite liner system is designed and installed to create an impermeable layer between the waste and the underlying groundwater features. The ADEM regulations also require that the base of the composite liner system shall be a minimum of five (5) feet above the temporal fluctuation of the groundwater table. The City of Dothan Landfill's composite liner system complies with ADEM Admin. Code r. 335-13-4-.18(3).

ADEM Admin. Code r. 335-13-4-.27 requires that a groundwater monitoring system be installed that consists of a sufficient number of wells at the appropriate location and depth to represent the quality of background groundwater that has not been affected by the landfill unit and the quality of groundwater passing the relevant point of compliance. The City of Dothan Landfill groundwater monitoring system consists of 7 (seven) groundwater monitoring wells and includes consistent sampling and analysis procedures that are designed to provide an accurate representation of groundwater quality. The Department has determined that the groundwater monitoring network at the City of Dothan Landfill is in

compliance with state and federal requirements and is appropriate to detect potential contamination from landfill operations.

The purpose of groundwater monitoring systems, similar to the one utilized at the City of Dothan Landfill, is to serve as an early warning system should groundwater contamination occur. While in the first stage of monitoring, the quality of groundwater is evaluated by comparing the concentration of indicator parameters against previously established background levels. Any detections are evaluated to determine if they are statistically significant. The Department acknowledges that detections over background for certain constituents have been found in downgradient monitoring wells at the City of Dothan Landfill. Some of these detections were determined to be statistically significant when compared to measured background levels. Therefore, pursuant to ADEM Admin. Code r. 335-13-4-.27(4), the landfill was required to enter assessment monitoring. However, because these detections have consistently been below the groundwater protection standard (GWPS), no further action is warranted at this time. In the event that future sampling and analysis indicate a detection that is determined to be statistically significant and above the groundwater protection standard, the landfill, in accordance with ADEM Admin. Code r. 335-13-4-.27(4)(g), would be required to initiate an assessment of corrective measures. As part of the corrective action assessment, the facility would be required to determine the nature and extent of contamination, and select a remedy to control the source of the release to reduce or eliminate further releases that pose a threat to human health or the environment.

A leachate collection system as required by the ADEM Admin. Code r. 335-13-4-.18 is in place at the facility. Inspectors have confirmed that leachate is collected and disposed of as required by regulations which are protective of human health and the environment.

Copies of all monitoring records, inspection reports, and correspondence of the landfill are available through ADEM's e-file service which can be found at [www.adem.alabama.gov](http://www.adem.alabama.gov) or by contacting the ADEM Records Manager at (334) 271-7712.

#### **COMMENTS CONCERNING DRINKING WATER NEAR LANDFILL**

- I have called the city out repeatedly about the water. Nothing is being done. They come out there, cut on the water, let the water run down the street. What is that supposed to mean? In other words, basically, the closest fresh water we have near us is in Ozark, Alabama.
- Turn on the shower, and the water would come out yellow. Not only did it come out yellow, it was stinking. You could not drink it.
- They come out when you complain the water gets so yellow and so stinking until they come out and cut on the fire hydrants and let them run for two or three hours and that's it.
- ...cannot take a bath because the water is brown and has a -- has an odor, something that smells like sulfur.
- If I turn on the kitchen sink, you're going to see brown before you see clear.

#### **RESPONSE TO COMMENTS**

See response to comment above for protection of groundwater.

Please note that residences within the closest proximity to the landfill (1000 feet) have access to the local public water supply. The ADEM Drinking Water Branch provides regulatory oversight of the public water supply system under ADEM Admin. Code div. 335-7. The Department is not aware of any significant issues with the local public water supply. Additional questions regarding the status of the local public water supply should be directed to the ADEM Drinking Water Branch at (334) 271-7773.

**COMMENTS CONCERNING PROPERTY VALUES AND OTHER LOCAL ISSUES**

- Not only that, our property, I am told by a friend of mine, the value of it is extremely devalued
- Our property values shouldn't have to fall, shouldn't have to decrease just simply because the city and its officials that want the landfill there are too lazy to get up off their butts and look for another place to put it.
- This landfill and the continuation of the landfill has decreased the value of the property in that area of town by at least 50, if not greater, percentages.
- They even have an advisory board that each of the officials elected to be a part of this advisory board, and the advisory board itself says don't put it there and the city still requested the permit anyway, even after the people that they appointed asked them not to.
- There is a law that says if you, the city, are taking in trash from somewhere else, another city, then you're taking it out of a particular realm and you place it into a business realm which has more stringent requirements. But the court systems, like everybody else, just act like they didn't even see, didn't recognize, and didn't understand what the law was. But they didn't even address the issue of the city taking in trash from somewhere else and bringing it to the landfill. That's illegal.
- We were given the understanding that in 30 years, the dump would be closed.
- When I purchased the property in '68, I believe, it was promised then by the Realtors and the city that at the closure of that landfill, it would become a city park. And that's somehow written within the deeds.

**RESPONSE TO COMMENTS**

The Department reviews the permit application to determine if the landfill can be constructed and operated in a manner which would be in compliance with applicable State and Federal solid waste disposal requirements and thus, protective of human health and the environment. Therefore, the Department is limited in its analysis to technical comments concerning environmental matters. Comments concerning service area, property values, and other socio-economic factors are outside the Department's jurisdiction. Rather, these issues are to be considered by the local host government as part of the local approval process, in accordance with Code of Alabama §22-27-47.

Under Section 22-27-47 of the Alabama Code, the governing body of a county or municipality has the responsibility and authority to assure the proper management of solid wastes generated within its jurisdiction in accordance with its Solid Waste Management Plan. Furthermore, under this section, in determining whether to recommend approval of a new or modified solid waste management facility, the governing body shall consider the site with respect to several factors, including social and economic impacts. Therefore, these are issues which must be addressed by the local host government as part of the local approval process, in accordance with the Code of Alabama §22-27-48(a). In this instance, the Board of Commissioners for the City of Dothan on September 16, 2014, approved the proposed expansion to the facility boundary of the Dothan Landfill to approximately 536 acres.

After the local host government approves the siting of a landfill, the Department reviews the permit application and facility record to determine if the landfill is constructed and operated in a manner which would be in compliance with applicable state and federal solid waste disposal requirements, which were developed to be protective of human health and the environment. Furthermore, ADEM conducts compliance inspections at the landfill to determine whether the landfill is operating within the parameters of the permit. Based on the review of the design criteria and recent operational inspections by Solid Waste staff, no significant solid waste disposal concerns have been identified. ADEM will continue to oversee landfill operations and monitoring reports to verify that the landfill is in compliance with ADEM Admin. Code div. 335-13 and thus protective of human health and the environment.

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**COMMENTS CONCERNING HEALTH ISSUES AND QUALITY OF LIFE**

- The vast majority of those houses have had people that have died of cancer.
- I have recently gone through blood tests that show high regard to — or high counts of arsenic, cobalt, mercury, and lead. Although the tests showed that they are within normal limits, my doctor was so concerned he asked, where did this come from?
- Well, I got family members, and five of them in the last five years have died from cancer.
- Some of my constituents are complaining they're having health problems.
- I would like you gentleman to take under consideration the health of people that live in this area. Not only is their health jeopardized but the health and welfare of the children.
- If there are 30 houses in the subdivision, there are at least 20-plus houses that have either had someone die of cancer, has someone living there with cancer now. There are even houses where someone lived there had cancer, died, someone else moved into the house and they developed cancer, including my father.

**RESPONSE TO COMMENTS**

The Department reviews the permit application and facility record to determine if the landfill is constructed and operated in a manner which would be in compliance with applicable State and Federal solid waste disposal requirements, which were developed to be protective of human health and the environment. Furthermore, ADEM conducts compliance inspections at the landfill to determine whether the landfill is operating within the parameters of the permit. Based on the review of the design criteria and the operational inspections, no significant compliance concerns have been identified regarding the City of Dothan Landfill. ADEM will continue to oversee landfill operations and monitoring reports to verify that the landfill is in compliance with ADEM Admin. Code div. 335-13 and thus protective of human health and the environment.

Specific questions and concerns regarding health related issues should be directed to the Alabama Department of Public Health at (334) 206-5300.

**COMMENTS CONCERNING AIR EMISSIONS AND DUST**

- We've already been told that cobalt is already on the property over there, that it's in the ground and that it's blown by the wind onto our properties.
- How long is it going to be before mercury, like I said, the cobalt, the arsenic, or anything else, PCBs or whatever else may be encountered over there, how long is it going to be before one of my little grandkids comes up with cancer?
- In addition to that, they're also supposed to be spraying down the streets around the landfill.
- There came a time two or three years ago when the city came to us and had to evacuate us because of the gases that somehow or another escaped out into the neighborhood. Now, I lost an entire fish pond full of fish during that time. The city said -- same city said nothing wrong with the water, said there's nothing wrong with the gas, that's not what killed my fish. They may be correct. What I do know is this. Since there have been no more releases, there's been no more dead fish.

**RESPONSE TO COMMENTS**

The City of Dothan Landfill operational plan states that fugitive dust is minimized by utilizing a water truck on hauling roads and also by the application of daily cover. Additionally, the permit requires a 100 foot buffer from the edge of the waste to the facility boundary. This state requirement is an additional control measure for fugitive dust in place at the facility.

The Department conducts at least quarterly Solid Waste inspections of the landfill to ensure compliance with the terms and conditions of the permit. During these compliance inspections, the inspector also



checks for fugitive dust issues at the landfill. To date, the ADEM inspectors have not noted any issues with fugitive dust that would be considered uncommon to typical Subtitle D landfills. The Department will continue to inspect the landfill to verify that fugitive dust is minimized at the landfill. In the event that non-compliance issues are noted in the future, the Department will address them as necessary with the appropriate level of enforcement. Any complaint received in regard to issues at the landfill will be investigated and handled accordingly.

The Department has investigated the incident in which the commenter stated that the public was evacuated due to air quality concerns. It appears that the incident in question was caused by an industrial plant within the beltway and not related to any activities at the City of Dothan Landfill. Additionally, the Department is unaware of any air sampling data which identifies the City of Dothan Landfill as causing an exceedance of an Air Quality Standard. Any additional questions or concerns related to air quality should be directed to the ADEM Air Division at (334) 271-7861.

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#### **COMMENTS CONCERNING DAILY LANDFILL COVER**

- Never seen it happen, not in all the years I've lived there. We have debris that floats through the air.
- I've never seen the city put eight or nine inches of soil or any other aggregate on top of the dump.
- Now, I heard Mr. Del Vecchio speaking with regards to the nine inches of coverup. He said he's watched, he's never seen it. Well, I'm here to tell you it ain't happening. That's why he's never seen it. I've been specifically to look at it, and they're not doing it.

#### **RESPONSE TO COMMENTS**

ADEM Admin. Code r. 335-13-4-.22(1)(a)1 requires a minimum of six inches of compacted earth or other specifically approved alternative cover materials shall be added at the conclusion of each day's operation to control disease vectors, fires, odors, blowing litter and scavenging. Section III.H of the proposed permit modification addresses the daily cover requirements at the City of Dothan Landfill. This section specifies that the facility is approved for the use of earthen cover to be applied at the conclusion of each day's activities. At this time, the City of Dothan Landfill has not applied for and is not approved to use alternate daily cover at this site. The permit also requires a 100 foot buffer from the edge of the waste to the facility boundary. This state requirement, which is not required under the federal RCRA Subtitle D regulations, is an additional control measure in place at the facility.

The Department conducts at least quarterly Solid Waste inspections of the landfill to ensure compliance with the terms and conditions of the permit. During these compliance inspections, the inspector also checks for adequate cover at the landfill. To date, the ADEM inspectors have not noted any issues with cover that would be considered uncommon to typical Subtitle D landfills. The Department will continue to inspect the landfill to verify that cover is being placed at the landfill in accordance with permit conditions. In the event that non-compliance issues are noted in the future, the Department will address them as necessary with the appropriate level of enforcement. Any complaint received in regard to issues at the landfill will be investigated and handled accordingly.

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#### **COMMENTS CONCERNING STORMWATER**

- And now I have an issue that the foolishness that has been going on our property on that new piece of property that the city bought has blocked the water, so I have water coming on my property that's never come on my property before, so much so that there are four people who have now got lethal doses of mercury in their bodies who live north of the dump where the water flows. The water is now flowing back to my property...
- We have sedimentation off of that landfill onto my property.

- I heard someone talk about the erosion of the property.

#### **RESPONSE TO COMMENTS**

The proposed solid waste disposal permit requires the permittee to design, construct and maintain run-on and run-off control structures to collect and control the water from a 24-hour, 25-year storm event as required by ADEM Admin. Code r. 335-13-4-17. Discharges of stormwater from industrial activities at the site are regulated by ADEM's Water Division under the Alabama Water Pollution Control Act. The Water Division of ADEM has issued General Permit ALG160102 which covers stormwater run-off as a result of general landfill operations.

ADEM performs routine inspections of the City of Dothan Landfill to determine if the stormwater run-off from industrial activities is being managed in accordance with the requirements of the applicable permits and ADEM regulations. The Department's inspection reports and response to any non-compliance issues related to stormwater run-off from industrial activities noted at the site are available through ADEM's eFile service which can be found at [www.adem.alabama.gov](http://www.adem.alabama.gov) or by contacting the ADEM Records Manager at [records@adem.alabama.gov](mailto:records@adem.alabama.gov). If there are additional questions or concerns related to stormwater management, these may be directed to the ADEM Industrial/Municipal Branch of the Water Division at (334) 271-7799.

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#### **COMMENT CONCERNING TRANSPORTATION OF WASTE TO THE LANDFILL**

- Comments were made regarding flat tires from nails falling off trucks.

#### **RESPONSE TO COMMENT**

Specific requirements for the collection and transportation of solid waste are not under the jurisdiction of ADEM. Any concerns with the collection and transportation of solid waste should be made with the Alabama Department of Public Health (ADPH) at (334) 206-5300.

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#### **COMMENT CONCERNING 3:1 SLOPE VARIANCE**

- The city has requested a permit that allows them to go up an extra foot and go out a similar amount. An extra foot will require more erosion, because an extra foot up instead of a federally-regulated level is a foot lower, and ADEM approved that. The first approval allowed them to go an extra foot, which will cause more erosion much more rapidly.

#### **RESPONSE TO COMMENT**

As required under ADEM Admin. Code r. 335-13-8, the City of Dothan requested a variance from ADEM Admin. Code r. 335-13-4-.20(2)(c)2 to allow for a 3H:1V final slope configuration for the proposed MSW expansion area. The facility will construct an operating slope 4H:1V during the waste placement operations. A 10 (ten) feet wide terrace not to exceed 20 (twenty) feet vertically will be added at closure which will result in the final 3H:1V slope configuration. In support of the variance request, a Static Stability Analysis Report was included with the application. This document indicated that there is negligible increase in the total annual erosion potential at the site due to the increased slope. ADEM has determined that based on the information submitted by the facility, the proposed variance for final slope configuration meets the intent of State and Federal requirements.

It is noted, any erosion occurring on the slopes will flow through the facility's sedimentation ponds for settlement prior to discharge in accordance with the City of Dothan's NPDES Permit ALG160102.

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**COMMENTS CONCERNING INSPECTIONS**

- Who's going to go there and watch it?
- Who is going to supervise how much is put in it (landfill) and where?

**RESPONSE TO COMMENTS**

The Department conducts at least quarterly Solid Waste inspections of the landfill to ensure compliance with the terms and conditions of the permit. Also, ADEM Admin. Code r. 335-13-4-.29 requires that the facility maintain an operating record to retain information related to explosive gas monitoring, groundwater monitoring, and quarterly volume reports. These documents are also required to be submitted to ADEM and are reviewed to ensure compliance with applicable rules and regulations.

The Department's inspection reports and response to any non-compliance issues at the site are available through ADEM's eFile service which can be found at [www.adem.alabama.gov](http://www.adem.alabama.gov) or by contacting the ADEM Records Manager at [records@adem.alabama.gov](mailto:records@adem.alabama.gov).

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**COMMENTS CONCERNING WASTE SCREENING**

- We've also had the information given to us that there are yellow bags in the dump.
- We've also been told that there are red bags in the dump which come from the hospital, which is not allowed by federal regulation.
- Also tires in the dump, which is not allowed by federal regulation.

**RESPONSE TO COMMENTS**

Section 6.0 of the facility's Operations Manual details the general operational standards for the City of Dothan landfill for the daily operations and maintenance procedures to be performed by landfill personnel. Section 6.3 specifically lists the wastes which are acceptable for disposal at the facility and include:

"all non-hazardous, non-infectious putrescible wastes including but not limited to municipal solid waste, commercial waste, construction and demolition waste, rubbish, sludge, special waste and industrial waste approved by ADEM.

Special wastes are defined in the ADEM Admin. Code r. 335-13-1-.03(131) as those wastes which require specific processing, handling, or disposal techniques as determined necessary by the Department which are different from the techniques normally utilized for handling or disposal. Requirement for the management and disposal of special wastes are listed in ADEM Admin. Code r. 335-13-4-.26. and Section 6.6.7. of the facility's Operations Manual specifically list the special waste requirements for receiving and handling treated medical waste. These requirements include but are not limited to obtaining written certification from both ADEM and the generator that the waste had been properly treated before disposal.

The Department conducts at least quarterly Solid Waste inspections of the landfill to ensure compliance with the terms and conditions of the permit. During these compliance inspections, the inspector also checks for the presence of unregulated wastes at the working face. To date, the ADEM inspectors have not noted any issues with unpermitted wastes at the City of Dothan Landfill.

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**COMMENTS CONCERNING THE FACILITIES' OPERATING HOURS**

- Dump trucks on a closed 35-01 permit running day and night dumping stuff, bulldozers. And that is fact. I've made reports about that.

- But it's no doubt in my mind trucks coming and going day and night yet the landfill's closed.
- If they're proposed, that means that you shouldn't be dumping anything or work of any kind out there in them. However, I've noticed people out there working after dark and on weekends.

#### **RESPONSE TO COMMENTS**

Specific requirements for the hours of operation of the facility are not under the jurisdiction of ADEM. The regulation of operating hours is a local issue governed by local zoning requirements as adopted by the local host government. Questions or concerns related to the facility's operating hours should be directed to the City of Dothan at (334) 615-3000.

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#### **COMMENTS CONCERNING COLLUSION AND ILLEGAL ACTIVITY**

- Have you or any member of ADEM ever hidden or purposely removed results of CERCLA files?
- Have you signed a secrecy agreement?
- The reason being is I firmly believe that there's collusion going on between agencies.
- You need to investigate every department within the municipal government of the City of Dothan to find out whether documentation has been falsified, whether or not they have colluded with people like TTL to get lab results falsified.
- I really would like to see the individuals that has been involved with this held criminally and civilly liable for the allowance of this furtherance and the unmitigated gall to not stop the illegal activity.

#### **RESPONSE TO COMMENTS**

The Department vehemently denies any illegal activities or collusion between ADEM and any other agency, municipality or environmental consulting firm. ADEM is charged with protecting human health and the environment within the State of Alabama and takes this charge seriously. If you have specific information indicating any illegal activity or collusion, please provide it to the Chief of the Land Division, the ADEM Director, the State of Alabama Attorney General, and/or the State of Alabama Ethics Commission.

Documents maintained by the Department are public records and copies of all monitoring records, reports, and correspondence of the landfill are available through ADEM's e-file service which can be found at [www.adem.alabama.gov](http://www.adem.alabama.gov) or by contacting the ADEM Records Manager at (334) 271-7712.

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#### **COMMENTS CONCERNING APPROPRIATE PERSONAL PROTECTION EQUIPMENT**

- I also have a copy of a letter sent to previous Mayor Pat Thomas that said that the people who worked at the dump should wear hazmat suits. Why, if it's a federally-regulated dump, do they need to wear hazmat suits?
- The letter ... stating that soil is so toxic, use hazmat gear or full body to be in it.

#### **RESPONSE TO COMMENTS**

ADEM Admin. Code r. 335-13 and the Subtitle D regulations do not require the use of hazmat gear, etc. for personal protection at a Subtitle D landfill. In addition, the Department is not aware of any events at the Dothan City Landfill which would require the use of hazmat gear, etc. Any concerns with worker safety including personal protective equipment should be filed with the Occupational Safety and Health Administration (OSHA) Mobile Area Office at (251) 441-6131.

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**COMMENT CONCERNING ADJACENT LANDOWNER NOTIFICATION**

- Accordingly, the Department failed to provide notice to all adjacent landowners as required by ADEM Admin. Code r. 335-13-5-.03(1)f.

**RESPONSE TO COMMENT**

ADEM Admin. Code r. 335-13-5-.02(f) stipulates that the name and mailing address of all property owners whose property is adjacent to the proposed site shall be submitted as part of a landfill unit's permit application. The application is required by ADEM Admin. Code r. 335-13-5-.02(4) to be submitted at least 90 days prior to the anticipated change. As such, the regulations do not require the applicant to update the adjacent landowner information prior to public notice.

However, in this case, the facility submitted the modification application, including the list of adjacent landowners, to the Department with the application in October of 2016. The facility responded to questions from the Department in March of 2017 and included an updated list of adjacent landowners. In May of 2017, the Department placed the draft permit on Public Notice and mailed a notice to the adjacent landowners. At that time, ADEM verified on the City of Dothan GIS network that the list of adjacent landowners was correct.

In all, 28 adjacent landowners were mailed the public notice notification. One notification was returned to the Department due to a typographical error in the address. This notice was re-sent to the correct address of the adjacent landowner, as listed in the Application. A signed certified mail receipt was received for each adjacent landowner notification letter sent. The Department contends the adjacent landowners were contacted in accordance with ADEM Admin. Code r. 335-13-5-.03(1)f.

**COMMENTS CONCERNING LOCAL APPROVAL**

- The revised application includes several modifications that the Board of Commissioners did not previously review or approve. For example, the revised application to modify Permit No. 35-06 increases the construction and demolition waste disposal area acreage; extends the facility boundary along the east side; revises the legal description of the facility; reduces the municipal solid waste disposal area acreage; and reduces the total acreage of the facility.
- Absent approval of the revised application for modification of Permit No. 35-06 by the Board of Commissioners of the City of Dothan after public notice and public hearing, the Department may not consider the revised application for modification of Permit No. 35-06.

**RESPONSE TO COMMENTS**

The resolution passed by the City of Dothan Board of Commissioners on September 16, 2014 was to expand the landfill to approximately 536 acres. Due to an updated survey conducted prior to the submittal of the 2017 modification application, the facility acreage was updated to be 522.19 acres. The Department has determined that the updated acreage provided in the March of 2017 application did not invalidate the September 16, 2014 local approval granted by the Dothan Board of Commissioners.

**COMMENTS REQUESTING ADEM TO DENY THE PERMIT MODIFICATION.**

- We need somebody in Montgomery to do their job, enforce the regulation, and stop placating, fined so severely there is no tomorrow. Take away their privilege to take and operate an illegal dump.
- I think the City of Dothan needs to have this permit forever denied and held accountable for the things they have done and continue to do.
- I'm asking you gentlemen to take into consideration the health and the welfare of the people that live in that area, and please call the City of Dothan to do something that is environmentally protective of

the health and welfare of people that live in that area and do not grant them any license to extend that landfill.

- I want the record to reflect that the Burkett subdivision I'm sure totally hope that your organization will do its job and not permit this city to expand the landfill any more.
- I'll implore you to deny the permit modification now and forever

#### **RESPONSE TO COMMENTS**

ADEM Admin. Code r. 335-13-5-.05 stipulates the conditions where the Department may deny, suspend or revoke a permit. At this time, the Department has concluded the revocation of the City of Dothan Landfill permit is not warranted.